

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,) CASE NO. 1:03CR486
)
Plaintiff,)
)
vs.) Judge Peter C. Economus
)
ANDRE COLLIER,)
)
Defendant.) ORDER

On October 19, 2004, the Defendant was sentenced to twenty-four (24) months imprisonment, followed by three years of supervised release, for Conspiracy to Possess with Intent to Distribute and Distribution Cocaine Base in violation of U.S.C. § 841(a)(1), (b)(1)(B), & 846. Defendant's supervised release commenced on May 26, 2006.

On November 30, 2007, Defendant's probation officer submitted a violation report alleging a violation of supervised release for committing a new law violation. Specifically, on October 23, 2007, the Defendant was arrested by the Cleveland Police Department for Drug Possession, Trafficking in Drugs and Possessing Criminal Tools. In addition, the Defendant failed to inform the probation officer of his arrest, failed to complete sixty (6) hours of community service, and failed to report a change in his residence. On or about September 11, 2008, the probation officer supplemented the initial report, indicating that on February 5, 2008, the Defendant was sentenced on Drug Trafficking charges by the Cuyahoga County Court of Common Pleas. The Defendant completed his sentence on August 20, 2008.

On August 27, 2008, the Defendant appeared before a Magistrate Judge. The Magistrate

Judge concluded that the defendant knowingly, voluntarily, and intelligently admitted the violations of supervised release, and the Magistrate Judge issued a Report and Recommendation recommending that this Court adopt that finding. No objections were filed to the report.

On September 19, 2008, the Court held a hearing regarding the alleged violation. The Defendant was represented by counsel. The Court finds that the Defendant has violated the terms of his supervised release.

The Court has considered the statutory maximum sentence of two years pursuant to 18 U.S.C. § 3583(e)(3). The Court also has considered the advisory policy statements set forth in Chapter Seven of the United States Sentencing Guidelines prior to imposing sentence, and the advisory guideline range is 15-21 months pursuant to U.S.S.G. § 7B1.4(a). The Court further has considered the factors for sentencing listed in 18 U.S.C. § 3553(a) and 3583(d).

Based on this Court's review of all relevant factors, the Court hereby orders that Defendant's supervised release is **REVOKED**, and Defendant is committed to the custody of the Bureau of Prisons for twenty-one (21) months. No term of supervised release shall follow.

IT IS SO ORDERED.

Issued: September 19, 2008

s/ Peter C. Economus
UNITED STATES DISTRICT JUDGE